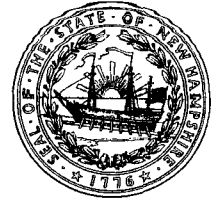




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 2006-072**

July 18, 2006

Gerald & Lori Emerson
151 Gear Road
Gonic, NH 03839

RE: DES Wetlands Bureau File #2006-1070, Emerson Trucking, Green Hill Road & NH Route 202, Barrington Tax Map 207 / Lot 42

Dear Gerald & Lori Emerson:

As you may be aware, on July 11, 2006 personnel from the Department of Environmental Services ("DES") along with your agent David Allain, Round Pond Soil Survey, conducted an inspection of the above referenced property, more specifically referenced on the Town of Barrington Tax Map 207 as Lot 42 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law, and NH Code of Administrative Rules Env-Wt 100-800.

It has been determined that filling of approximately 2,000 sq. ft. of freshwater wetlands took place on the property without a wetlands permit from DES. These areas include fill for a driveway and installation of a culvert, fill upstream and downstream of driveway crossing, fill near the stone retaining wall, and slash and stumps within wetlands.

In response, you are requested to take the following actions:

1. In accordance with DES Wetlands Bureau Code of Administrative Rule Env-Wt 302.03(a)(1), applicants must demonstrate avoidance and minimization of wetland impacts and in accordance with Env-Wt 302.04(b)(5), demonstrate lack of alternatives with lesser wetland and surface water impacts. Upon review of the plan of the property dated June 14, 2006, access to the property can be achieved from NH Route 202 without impacts to wetlands. By **September 11, 2006**, please provide written documentation (i.e. Town of Barrington, Department of Transportation) as to why this cannot be accomplished.
2. If access from NH Route 202 cannot be accomplished, then you must apply after-the-fact for a wetlands permit to retain the fill associated with the driveway crossing. If access can be accomplished from NH Route 202, then the fill for the driveway crossing must be removed and the wetland restored.
3. By **September 11, 2006**, retain a qualified wetland professional to generate a plan which depicts existing conditions of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-2147 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

DES Web site: www.des.nh.gov

NHDES Wetlands Bureau Complaint File# 2006-1070

- a. A detailed description of the proposed means of erosion control (silt fence, etc) and stabilization of the restoration area;
- b. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- d. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

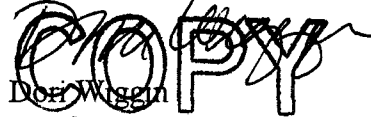
All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Department of Environmental Services
Wetlands Bureau – East Region
Attn: David Price, Compliance Investigator
50 International Drive
Suite 200
Portsmouth, NH 03801

NHDES Wetlands Bureau Complaint File# 2006-1070

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 559-1514 or by e-mail at dprice@des.state.nh.us.

Sincerely,


Don Wiggan

East Region Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL 7002 2410 0001 6279 1383

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Tracey Boisvert, DES Wetlands Compliance Supervisor
Alan Garland, DOT District 6
Barrington Conservation Commission
Barrington Planning Board
Barrington Board of Selectmen
David Allain, Round Pond Soil Survey
Todd Mitchell
June Bragdon
Rob Estes
USACOE